

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA)

Plaintiff,)

Case No.: 4:16-CR-00440 RLW

VS.)

KEHINDA MITCHELL)

Defendant.)

MOTION

COMES NOW Defendant, and pursuant to Rule 38(b)(2) of the Federal Rules of Criminal Procedure and requests that the trial court recommend that Defendant remain confined at the Lincoln County Sheriff's Department for a reasonable period so that he can assist appellant counsel in preparing his appeal. In support of his request, Defendant states:

1. Defendant was sentenced to a term of imprisonment in the Bureau of Prisons on or about March 7, 2018
2. Rule 38(b)(2) of the Federal Rules of Criminal Procedure states that, If defendant is not released pending appeal, the court may recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a period reasonable necessary to permit the defendant to assist in preparing the appeal.
3. Defendant has been confined at the Lincoln County Sherriff's Department for over a year.
4. It is reasonable to assume that Defendant would be better in a better position to assist appellate counsel if he was allowed to remain near the place of his appeal for a reasonable time period.

WHEREFORE, Defendant prays that this Court, recommend to the Attorney General that the defendant be confined near the place of the trial or appeal for a ninety (90) days to permit the defendant to assist in preparing the appeal and for such other and further relief as this Court may deem appropriate under the circumstances.

Respectfully submitted,

/s/Raphael Morris II

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CERTIFICATE OF SERVICE

A copy of the foregoing was sent via the Court's ECF system this 20th day of March 2018 to Assistant United States Attorney Tracy Berry at her address of record.

/s/Raphael Morris II
